

### **REMARKS**

Claims 7-16 are currently pending in the application. Claims 7-10 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner objected to Applicants' previous amendment asserting it introduces new matter into the disclosure. The Examiner further rejected claims 7-14 under 35 U.S.C. §102(e) as being anticipated by Li (USP 6,907,404); and rejected claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Li in view of Long (U.S. Patent Application Publication No. 2004/00030623). Applicants respectfully traverse these rejections.

### **Preliminary Comments – Improper Finality of Official Action**

In the outstanding Official Action, the Examiner has indicated that the outstanding Official Action is final. In their previous reply, Applicants merely rewrote claim 7 in independent form by including solely those elements set forth in its base claim 7. However, the Examiner changed the ground of rejection of claim 7, which was not necessitated by Applicants' amendment. As such, Applicants submit that the finality of the outstanding Official Action is improper and should be withdrawn.

### **New Matter Objection**

The Examiner objected to Applicants' previously filed reply asserting it introduces new matter. Specifically, the Examiner asserts that the element recited in claim 16, namely, "when a cursor is positioned at an arbitrary point of the key-shaped tendency chart or the candlestick shaped tendency chart by using the input unit, a date and a stock price are displayed," is new matter. Applicants respectfully disagree with the Examiner's assertions.

Page 40, lines 5-8 of Applicants' specification clearly disclose that "when the mouse is positioned at an arbitrary part of the key-shaped tendency chart or the candlestick-shaped tendency chart, the date and the stock price are displayed immediately." As such, Applicants submit that the previously filed amendment to claim 16 is not new matter. It is respectfully requested that the outstanding objection be withdrawn.

### **Rejection under 35 U.S.C. §102**

The Examiner rejected claim 7 asserting that Li discloses all of the claim elements. Specifically, in the Official Action on page 4, the Examiner asserts that Li discloses the line-drawing section citing to Figs. 2A through 2D and col. 5, lines 1-6; a judging section, citing to Fig. 2A and col. 5, lines 6-11; and a buy-turn information notifying section, citing to col. 5, lines 11-12. Applicants respectfully disagree with the Examiner's characterization of this reference.

The disclosure of Li, as discussed in the Abstract, is as follows:

An automated investment chart pattern search system is provided. The system includes a computer, a historical information database accessible by the computer having historical information for a plurality of investments stored thereon, a connection to a supply of real-time data, the real time data comprising real-time data relating to a plurality of investments, and a templates database accessible by the computer having a plurality of templates stored thereon. Software executing on the computer generates an investment chart for the investment to be examined based upon the historical information and the real-time data relating to the investment to be examined. Software executing on the computer then retrieves at least one template from the templates database, and performs geometric projection analysis on the retrieved template and the investment chart to determine if a pattern exists in the investment chart. Next, software executing on the computer retrieves at least one template from the templates database, and performs template matching analysis on the retrieved template and the investment chart to determine if a pattern exists in the investment chart. Software executing on the computer then performs projection line analysis on the investment chart to determine if a pattern exists in the investment chart.

Li further discloses in col. 5, lines 1-15 as follows:

A candle stick chart is a good presentation of an investment's momentum. On a candlestick chart, one can easily see the secession of up days, down days and sudden changes in the investment pattern. Thus, candlestick charts are desirable for viewing

trend reversal patterns, as are shown in FIGS. 2A through 2D. FIG. 2A shows a trend reversal pattern that is sometimes called a "First Sunny Day" pattern. As shown in investment chart 114, after a long, long decline, the investment price 116 suddenly goes up in significant magnitude. Furthermore, it closes much higher above its open. This First Sunny Day pattern sends a short-term buy signal. The trading strategy for a First Sunny Day pattern is to buy the investment and hold until it recovers the range lost by the recent secession of down days, or to cut losses if it drops back to the prior day's low.

As can be seen from the above disclosure, the determination of whether to buy or sell is made based on patterns in the 'sticks' of the candlestick chart. Li describes performing template matching on the investment chart to determine if a pattern exists. Based on whether or not a pattern is matched, a buy or sell signal may be shown.

In contrast, claim 7 requires, *inter alia*, as follows:

a line-drawing section to **draw a downward trend line based on the candlestick-shaped tendency chart** of a brand judged to be in a good time to buy, among brands in the promising brand information created by the promising brand information creating section;

a judging section to judge whether the brand is in a buy-turn, **based on the downward trend line drawn by the line-drawing section** and on candlestick-shaped tendency chart data at the good time to buy the brand judged to be in the good time to buy; and

a buy-turn information notifying section to **notify the user terminal of a judgment result given by the judging section**, as buy-turn information.

As can be seen from the above recitations, claim 7 requires an apparatus that draws a downward trend line, judges whether the brand is in a buy-turn based on the downward trend line, and notifies the user of the result of the judgment from the judging section. The judging section judges whether the brand is in a buy-turn based on the downward trend line drawn in the line-drawing section. Applicants submit that the pattern matching of Li is insufficient to teach or

suggest the downward trend line discussed in the line-drawing section and the judging section of claim 7. As such, Applicants respectfully submit that claim 7 is not anticipated by Li and it is respectfully requested that the outstanding rejection be withdrawn.

Claim 8 recites, *inter alia*, as follows:

a line-drawing section to draw an upward trend line based on the candlestick-shaped tendency chart of a brand judged to be in a good time to sell, among brands in the promising brand information created by the promising brand information creating section;

a judging section to judge whether the brand is in a sell-turn, based on the upward trend line drawn by the line-drawing section and on candlestick-shaped tendency chart data at the good time to sell the brand judged to be in the good time to sell; and

a sell-turn information notifying section to notify the user terminal of a judgment result given by the judging section, as sell-turn information.

As can be seen from the above recitations, claim 8 requires an apparatus that draws an upward trend line, judges whether the brand is in a sell-turn based on the upward trend line, and notifies the user of the result of the judgment from the judging section. The judging section judges whether the brand is in a sell-turn based on the upward trend line drawn in the line-drawing section. Applicants submit that the pattern matching of Li is insufficient to teach or suggest the upward trend line discussed in the line-drawing section and the judging section of claim 8. As such, Applicant submits that claim 8 is not anticipated by Li and it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 9 and 10 include elements similar to those noted above with regard to claims 7 or 8, and thus, Li fails to anticipate claims 9 and 10 for the reasons noted above with regard to claims 7 or 8. Claims 11-16 are allowable for the reasons set forth above based on their dependency on their respective allowable independent claims.

### **Rejections under 35 U.S.C. §103**

In support of the Examiner's rejection of claims 15 and 16, the Examiner admits that Li fails to teach or suggest all of the claim elements. The Examiner relies on the teachings of Long to cure the deficiencies of the teachings of Li.

Applicants submit that Long is a publication of a patent application filed on August 12, 2002. However, the present application claims priority to a Japanese application filed on July 23, 2002, which pre-dates the effective date of the Long reference. Applicants submit a certified translation of the priority document thereby establishing an effective filing date of July 23, 2002, thus removing Long as prior art with respect to the present application. It is respectfully requested that the outstanding rejection be withdrawn.

### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

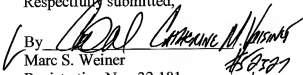
Application No. 10/521,569  
Amendment dated June 4, 2008  
After Final Office Action of February 4, 2008

Docket No.: 1592-0152PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: June 4, 2008

Respectfully submitted,

By   
Marc S. Weiner  
Registration No.: 32,181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicants

Attachment: English Translation of Japanese Patent Application No.  
2002-213663, filed July 23, 2002.